

EXHIBIT

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On Friday, a process server working for Giuffre's lawyers filed an affidavit in New York federal court indicating that he had been turned away by guards in his first attempt to serve a summons to Prince Andrew at his residence late last month and was told that "security there had been instructed not to allow anyone" on the grounds to serve papers, according to the affidavit.

On the second attempt the next day, he asked to meet personally with the prince, but was told that "was not possible." He said he was eventually instructed to leave the documents with a Metropolitan Police officer at the main gate, with the understanding that they would be forwarded to the prince's legal team, the affidavit says.

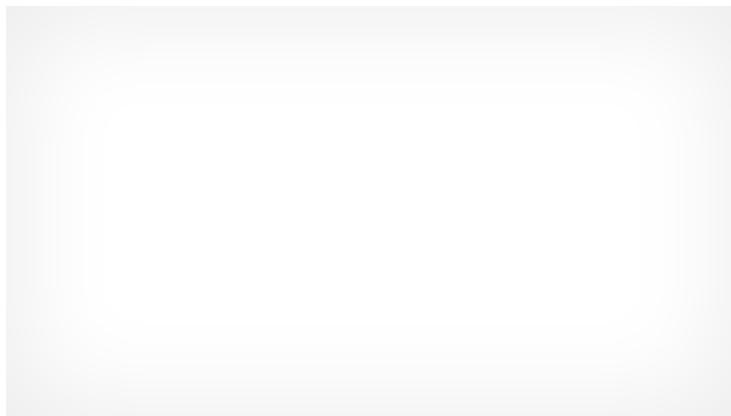
"There's no dispute that the legal team has it. We've sent it to them a dozen ways," Boies said Friday. "But [the Prince's lawyers] are taking the position that giving it to [his] legal team is not effective service. We think it is."

The determination of whether the Prince has officially been served will ultimately fall to a U.S. federal judge overseeing the lawsuit. The first hearing in the case is scheduled for Monday. To date, no lawyer for the prince has appeared on the public record of the case.

The 61-year-old British prince was snapped by photographers on Tuesday in a black Range Rover as he was departing Royal Lodge in Windsor, England, the home he shares with his ex-wife, Sarah Ferguson. He was photographed again several hours later arriving at Balmoral Castle, the Scottish estate of his mother, Britain's Queen Elizabeth II.

"Runaway Prince," blared a headline in one British tabloid newspaper, The Sun. "Prince Andrew bolts for Balmoral in bid to avoid being served sex assault papers."

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A spokesperson for the prince declined to comment to ABC News on those reports.



Steve Parsons/WPA Pool/Getty Images, FILE

Prince Andrew, Duke of York on April 11, 2021 in Windsor, England.

The lawsuit by Giuffre, an alleged victim of disgraced financier and convicted sex offender Jeffrey Epstein, who died by suicide in a New York City jail in 2019, accuses Prince Andrew of engaging in sexual acts with her in 2001. Giuffre alleges the prince sexually assaulted her at Epstein's Manhattan mansion and elsewhere when she was under the age of 18. She contended she did not consent and that the prince knew "she was a sex-trafficking victim," according to the complaint, which was filed in federal court in Manhattan on Aug. 9.

Prince Andrew, who also holds the title of Duke of York, has long denied Giuffre's allegations, which first surfaced in court filings nearly seven years ago. The prince told BBC News in a rare interview in 2019 that he had no recollection of ever meeting Giuffre.

"I've said consistently and frequently that we never had any sort of sexual contact," he said in the interview.

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Boies told ABC News that he plans to inform the court on Monday that, in addition to attempts to personally serve the prince at his residence, Giuffre's lawyers have mailed the complaint, emailed several law firms believed to be associated with the prince, and sought the assistance of British court officials -- under established protocols for serving foreign citizens with notice of a civil lawsuit in U.S. courts.

"We don't have to actually physically serve him with a subpoena. All we have to do is follow certain recognized procedures, which we have done," Boies said. "We will simply tell the court what we have done, and then it's up to the court."

A lawyer for Prince Andrew, however, has objected to the methods employed by Giuffre's legal team, calling their actions "regrettable" and procedurally improper, and questioning whether Giuffre has a valid legal claim against the prince, according to a letter obtained by ABC News.



 Miami Herald/TNS via Getty Images, FILE

Virginia Roberts Giuffre holds a photo of herself at age 16, when she says Palm Beach multimilli... [Read More](#)

"[Giuffre's lawyers] have made several public, indeed well-publicised, attempts at irregular service of these proceedings in this jurisdiction, in at least one case accompanied by a media representative," Gary Bloxsome, a lawyer with U.K. law firm Blackfords LLP, wrote in a Sept. 6 letter to senior master Barbara Fontaine, a British judicial official.

"These have included attempted personal service of our client at his home, the instruction of a private process server, and attempts to email the proceedings not only to this firm, but to barristers (who are not authorised to conduct litigation) who are known to have acted for the Duke," he continued. "This is regrettable."

Bloxsome contends British legal procedures require that a valid request for assistance from U.K. court officials must come from a judicial or diplomatic officer in the United States, not from Giuffre's lawyers. If the judge overseeing the case makes such a request, Bloxsome wrote in the letter, "then it is likely that our client will be content to agree to a convenient method of alternative service."

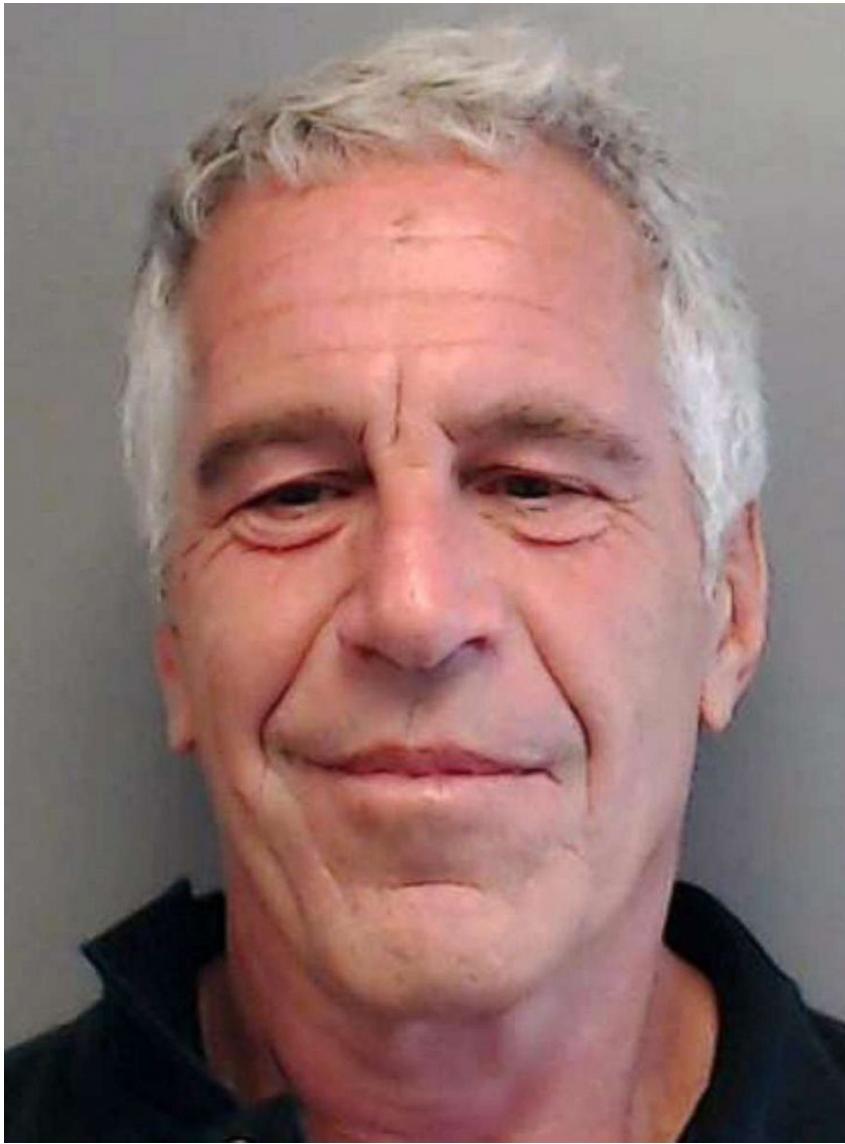
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"However, absent being satisfied of some very good reason to do so, our client is highly unlikely to be prepared to agree to any form of alternative service while the approach to service of these proceedings remains irregular and the viability of the claim remains open to doubt," Bloxsome added.

Although Bloxsome indicated in the letter that his firm is not presently involved in Giuffre's case, he nonetheless raised questions about the viability of her claims, contending that a confidential 2009 settlement she reached with Epstein in Florida may contain a release of claims against others associated with her allegations against Epstein, potentially including Prince Andrew.

Bloxsome noted that "this settlement may have led last month to the dismissal by consent of similar causes of action Ms. Giuffre had included in her high-profile claim against Alan Dershowitz."

Three days after Giuffre filed suit against Prince Andrew, she agreed to drop a battery claim from her long-running defamation lawsuit against Dershowitz, the famed criminal defense lawyer who formerly represented Epstein.



 Florida Department of Law Enforcement via Getty Images, FILE

In this July 25, 2013, handout provided by the Florida Department of Law Enforcement, Jeffrey... [Read More](#)

The agreement came after Dershowitz asserted that Giuffre's confidential settlement with Epstein barred her from suing him for alleged battery.

Giuffre's withdrawal of the battery claim was described in a joint court filing last month by lawyers for Giuffre and Dershowitz as "a compromise" that should not be viewed as an admission by either party of the validity or invalidity of the claims about the settlement agreement.

Giuffre has alleged in court filings that she was sexually abused on multiple occasions by Dershowitz, who was among a group of high-profile lawyers

who -- years later -- represented Epstein during the negotiations that led to his so-called "sweetheart" deal with U.S. federal prosecutors in 2008.

Dershowitz has vigorously denied Giuffre's allegations and counter-sued her for defamation, vowing to prove in court that she lied about him and other prominent men. On Wednesday, Dershowitz's attorney sought permission from the judge overseeing his case to allow him to provide Prince Andrew's lawyers with a copy of Giuffre's confidential settlement agreement with Epstein. The court has not yet ruled on that request.

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Giuffre is represented by a separate law firm, Cooper and Kirk, in her case involving Dershowitz.

Bloxsome argued in the letter that Prince Andrew's legal team needs to review the confidential settlement before determining how to proceed.

"Once we are able to obtain a copy of the settlement agreement in Florida, which appears to be subject to confidentiality restrictions, we will be able to determine whether Ms. Giuffre has a viable claim," he wrote. "Obviously until we have made that determination, it is difficult for us to give advice as to whether the Duke should voluntarily accept service."



Chris Jackson/Pool via Reuters, FILE

Britain's Britain's Prince Andrew, Duke of York, looks on during the funeral of Britain's Prince Philip...Read More

Boies said he was unable to comment on the details of Giuffre's settlement with Epstein, citing its confidentiality. "But what I can say is that there is no evidence that Prince Andrew was intended to be covered by the release. And, indeed, Prince Andrew has never himself asserted that he was intended to be covered by the release," he said.

Boies argued that whatever the prince's legal team wrote in the letter to the U.K. official is insignificant unless his lawyers appear in Giuffre's case in New York.

"I don't know why they wrote what they wrote," Boies said. "But unless and until they engage with respect to the complaint that we have filed here in the United States, anything they say is irrelevant."

Giuffre's lawsuit seeks unspecified compensatory and punitive damages and accuses Andrew of sexual assault as well as intentional infliction of emotional distress.

"I am holding Prince Andrew accountable for what he did to me," Giuffre told ABC News last month in a statement via her lawyers. "The powerful and the rich are not exempt from being held responsible for their actions. I hope that other victims will see that it is possible not to live in silence and fear, but one can reclaim her life by speaking out and demanding justice."

Editor's Note: this story has been updated to include information from the process server's affidavit, which was filed after publication.

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